

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYNN NOYES,	)	
	)	
Plaintiff,	)	2:02-cv-2685-GEB-CMK
	)	
v.	)	<u>ORDER</u>
	)	
KELLY SERVICES, INC.,	)	
a corporation,	)	
	)	
Defendant.	)	
_____	)	

On February 4, 2008, Defendant moved to exclude the testimony of Plaintiff's expert Rick Ross. (Mot., Docket #95.) Plaintiff opposes the motion. (Opp'n, Docket #114.) A review of the briefing papers and the Expert Witness Report (Decl. of Robert Burch in Opp'n to Def.'s In Limine Mot. NO. 1, Ex. 1.) indicates that a Daubert hearing should be held. See Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999) (holding Daubert reliability determination applies to all expert testimony).

1           **On March 17, 2008 at 10:00 a.m.,** a Daubert hearing on the  
2 motion will be held, at which Plaintiff's expert, Rick Ross, shall be  
3 present, to address the following issues:<sup>1</sup>


4           1. Is Mr. Ross qualified to testify as an expert in the field of  
5 destructive cults in general and of "the nature, relationships and  
6 group dynamics of the Fellowship [of Friends]" in particular? (Opp'n  
7 at 5-7.)

8           2. Are Mr. Ross's opinions based on a sufficient, reliable  
9 foundation – sufficient facts, data or experience? Does he rely on  
10 materials of a type reasonably relied on by other experts in the  
11 field?

12           3. Is there a reasonable link between the information,  
13 procedures and experience Mr. Ross uses and his conclusions? The  
14 parties should be prepared to address specific conclusions contained  
15 in the Expert Report.<sup>2</sup>

16           IT IS SO ORDERED.

17           Dated: March 4, 2008

18  
19   
20 GARLAND E. BURRELL, JR.  
21 United States District Judge  
22  
23  
24

---

25  
26           <sup>1</sup>     See Fed. R. of Evid. 702 advisory committee's note.

27           <sup>2</sup>     Plaintiff has indicated that she will not elicit opinions from  
28 Mr. Ross regarding "whether William Heinz intentionally discriminated  
against Plaintiff in the promotion decision [and] whether the Fellowship  
uses brainwashing." (Opp'n at 10:19-26.)